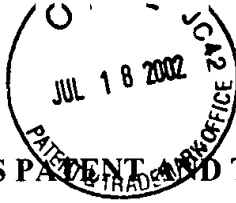


CASE NO. MET1.0002



PATENT APPLICATION

#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BENTOLILA, et al.

Serial No.: 10/043,698

Filed: January 9, 2002

For: SYSTEM AND METHOD FOR
BEHAVIORAL MODEL CLUSTERING IN
TELEVISION USAGE, TARGETED
CLUSTERING, AND PREFERENCE
ADVERTISING VIA MODEL
PROGRAMMING BASED ON
BEHAVIORAL MODEL CLUSTERS

July 11, 2002

Los Angeles, CA 90067

COPY OF PAPERS
ORIGINALLY FILED

RECEIVED

JUL 22 2002

OFFICE OF PETITIONS

DECLARATION OF CARMEN GARRETT AND
STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF
NON-SIGNING INVENTOR UNDER 37 CFR 1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

I, Carmen Garrett hereby declare that the following is true and correct, and if called upon
could and would testify to the following:

1. I am a resident in the State of California.

2. I am the Contract Coordinator and Executive Assistant at Metabyte Networks, Inc.

(hereinafter "MNI"), the owner by agreement of all rights, title and interest to the above-
referenced United States Patent Application.

3. MNI is a Delaware Corporation, licensed to do business in the State of California and having its principal place of business at 39350 Civic Center Drive, Suite 200, Fremont, California 94538.

4. On behalf of MNI, I communicated on several occasions with Mr. Ariel (Isaac) Bentolila, an inventor in this application and I have been unsuccessful in obtaining his signature on the Declaration for this United States Patent Application.

5. Mr. Bentolila was an employee of MNI when he participated in the invention claimed by this U.S. patent application, but is not longer an employee of MNI.

6. While an employee of MNI, Mr. Bentolila had a duty to assign all rights, title and interest in his inventions to MNI. A true copy of Mr. Bentolila's "Employee Invention Assignment and Confidentiality Agreement with Metabyte Networks, Inc. is attached hereto as Exhibit A.

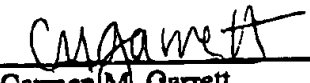
7. On May 23, 2002, I forwarded a federal express package to Mr. Bentolila containing copies of the application, Declaration and Power of Attorney and Assignment for his review and execution. A copy of the letter, Federal Express Invoice and waybill is attached as Exhibit B.

8. Since that date, I have telephonically communicated with Mr. Bentolila several times. His telephone number is (415) 876-0735. While Mr. Bentolila had previously advised me that he will execute the documents, he did not wish to be burdened with any set time frame for deadlines. At this time, he refuses to execute the Declaration.

9. The other joint inventors have executed a Declaration complying with 37 CFR 1.63 and 37 CFR 1.47(a). Therefore, Applicant hereby requests that the Patent Office accept the filing of a partially executed Declaration and Power of Attorney under 37 CFR 1.47(a) with no further delay in the examination and issuance of this patent application.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and submit this Statement on behalf of Metabyte Networks, Inc.

Dated: 7/11/02


Carmen M. Garrett
Contract Coordinator and Executive Assistant
Metabyte Networks, Inc.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on


(Type or print name of person mailing paper)


(Signature of person mailing paper)

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